

*Application No. 10/665,598  
Amendment dated November 7, 2006  
Reply to Office Action of August 7, 2006*

*Docket No. 1131-0488P  
Art Unit: 1731  
Page 7 of 13*

**AMENDMENTS TO THE DRAWINGS**

One sheet of replacement drawings (FIG. 2) is attached hereto in order to identify air outlet holes 20a.

**REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-9 are pending. Claims 1-3 are amended. Claim 1 is independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Objection to the Drawings**

In response to the Examiner's objection to the drawings, one sheet of replacement drawings (FIG. 2) is attached hereto in order to identify air outlet holes 20a.

**Claim for Priority**

It is gratefully appreciated that the Examiner has recognized the Applicants' claim for foreign priority.

**Acknowledgement of Information Disclosure Statements**

It is gratefully appreciated that the Examiner has acknowledged the Information Disclosure Statements filed on September 22, 2003 and October 20, 2006.

**Amendments to the Specification**

Page 8 of the specification is amended merely to identify air outlet holes 20a as shown in FIG. 2 (replacement sheet).

**Rejection Under 35 U.S.C. § 112, second paragraph**

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, Applicants have amended claim 1 to address the issue specifically pointed out by the Examiner. The Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejection Under 35 U.S.C. §103(a)**

Claims 1-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brand et al. (U.S. 5,645,086) or Kazuichi et al. (JP 29-57173) in view of Okumoto et al. (EP 0165080) and further in view of Labbe et al. (U.S. 4,121,596). This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claim 1 has been amended herein to recite a combination of elements directed to a shredded tobacco feeding apparatus including *inter alia* "said detection means including a stagnation detecting line extending along a width of said separation passage of which the width extends in a traveling direction of the tobacco band".

The Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Brand et al. (U.S. 5,645,086), Kazuichi et al. (JP 29-57173), Okumoto et al. (EP 0165080), and Labbe et al.

**The Present Invention**

An object of the present invention is to provide a shredded tobacco feeding apparatus capable of reliable detection of stagnation of shredded tobacco in a separation passage thereof.

To achieve the object, the detection means of the feeding apparatus as claimed includes a stagnation detecting line extending along the width of the separation passage. The stagnation detecting line extends in the width direction of the separation passage, namely, in the traveling direction of the tobacco band. Accordingly, the detection means can detect stagnation of shredded tobacco over the entire width of the separation passage.

Stagnation of shredded tobacco in the separation passage makes it impossible to smoothly carry out the secondary separation of shredded tobacco. Once shredded tobacco stagnates inside the separation passage, the stagnant tobacco rapidly grows up to the feed passage and obstructs the flow of shredded tobacco to be fed to the tobacco band through the feed passage.

Therefore, stagnation of shredded tobacco in the separation passage needs to be detected in early stages. With the detection means of the present invention, such stagnation of shredded tobacco can be detected early.

**The References cited by the Examiner**

The Examiner concedes that Brand et al. and Kazuichi et al. do not disclose a detection means or a removing means for accumulations of shredded tobacco in the separation passage.

Okumoto et al. (EP 0165080) merely discloses a photoelectric detector 52, and Labbe et al. (US 4,121,596) merely discloses height monitoring devices 52 and 54. However, the sensors of Okumoto et al. and Labbe et al. are attached to the front wall or rear wall forming the chimney 31 or the channel 40, and thus have a stagnation detecting line extending across the gap defined between the front and rear walls.

In contrast to the detection means of the present invention, in the apparatus of Okumoto et al. and Labbe et al., the stagnation detecting line extends through the gap along the front and rear walls. Therefore, it is clear that the sensors of Okumoto et al. and Labbe et al. are not equivalent to the detection means of the present invention.

Therefore, neither Okumoto et al. nor Labbe et al. can make up for the deficiencies of Brand et al. and Kazuichi et al.

At least for the reasons described above, the Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Brand et al. (U.S. 5,645,086), Kazuichi et al. (JP 29-57173), Okumoto et al. (EP 0165080), and Labbe et al.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested. Independent claim 1 is in condition for allowance.

**Dependent Claims**

Further, dependent claims 2-9 are in condition for allowance due to their dependency from allowable independent claims, as well as for the additional novel limitations set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

All claims are now in condition for allowance.

**CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (Direct Line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

By

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Attachment: One sheet of replacement drawings (FIG. 2)